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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,027	10/31/2003	Kazuo Okada	SHO-0043	1099

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EXAMINER
HSU, RYAN

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,027	OKADA, KAZUO	
	Examiner	Art Unit	
	RYAN HSU	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 March 2008*.

2a)☒ This action is FINAL. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/8/07; 3/16/07; 3/5/08; 4/15/08; 12/23/08.

DETAILED ACTION

In response to the amendments filed on 3/7/07, no claims have been amended. Claims 1-10 are pending in the current application. The final office action sent out on 11/01/06 contained minor errors that are corrected in the office action below.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-7 of copending Application No. 10/697,238. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed towards a gaming machine that comprises a variable display device that displays designs or symbols. Additionally, they include a front electric display which consist from a group of at least a liquid crystal display panel or series of light emitting diodes. This display uses a light guiding plate to create an illuminating

effect for the display device so that a gaming machine can produce several different array of symbols and designs that compliment the basic reel display device commonly found in game machines. The two sets of claims have simply been rearranged so that they are claimed in different orders and are directed towards the same device except one uses a light emitting diode and the other a liquid crystal display. However, these are different forms of lighting display devices and perform the same function therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use either type of lighting device to perform the same functions as described in the claims. Therefore it would be obvious that these two inventions are not patentably distinct but simply have used alternative synonyms and language structure to detail the same invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motegi et al and further in view of Basturk et al. (US 6,600,527).

Regarding claims 1, 5-6, and 9, Motegi et al. discloses a gaming machine comprising: variable display device for variably displaying designs (*see col. 7: ln 9-col. 67*); and a front display means disposed in front of the variable display device, wherein the front display means

includes a transparent liquid crystal display panel through which the variable display means is able to be seen (*see transparent panel [5e] and relationship with mirror [1m] and LCD [5e] of Fig. 5 and the related description thereof*). Additionally, Motegi et al. discloses a light guiding plate (*see mirror [1m] of Fig. 5 and the related description thereof*) for guiding light emitted from a light source to the entire liquid crystal display panel and diffusion means for diffusing the light guided by the light guiding plate to equalize the light which illuminates the liquid crystal display panel, and in the light guiding plate and diffusion sheet, transparent areas for ensuring the visibility of the variable display and variable display device are formed (*see col. 7: ln 20-65, Fig. 6 and the related description thereof*). However, Motegi does not teach the specific implementation of the front display device to include a transparent liquid crystal display panel, the diffusion sheet and the light guiding place that are arranged in a facially-opposed sequential manner such that the diffusion sheet is disposed between the transparent liquid crystal display panel and the light guiding plate and the light guiding plate is disposed between the diffusion sheet and the variable display device. Although the layering as described by the claims are inherent features of a LCD display screen. They describe the different layers that comprise the makeup of a typical display device that use liquid crystal panels. In an analogous display patent, Basturk et al. teaches a display device that is layered in several sections and details the different layers of a display device. Basturk teaches the implementation in its LCD display of a transparent liquid crystal display panel, a diffusion sheet, and a light guiding place that is arranged in a facially-opposed sequential manner such that the diffusion sheet is disposed between the transparent liquid crystal display panel and the light guiding plate (*see Figs. 11-12 and the related description thereof*). Therefore it would have been obvious to one of ordinary

skill in the art at the time the invention was made to use the teachings of Basturk in order to understand the assembly of a lcd display device that is used in a game machine taught in Motegi to create an interactive front display device that incorporates the use of a variable display device and a lcd display device.

Regarding claim 2, Motegi et al. teaches a game machine wherein the variable display device is one or more rotatable reels each having a reel band thereon, on which the designs are drawn (*see rotatable reels [6(a-c)] of Fig. 3 and the related description thereof*).

Regarding claim 3, Motegi et al. teaches a game machine that is a slot machine (*see Fig. 1 and the related description thereof*).

Regarding claim 7, Motegi et al. teaches game machine that comprises of a reflection plate that is provided with one or more windows corresponding to the plurality of reels (*see mirror (1m) of Fig. 1 and the related description thereof*).

Regarding claims 8 and10, Motegi teaches a game machine wherein the diffusion sheet is in contact with the light guiding plate and the light guiding plate is in contact with the reflection plate (*see Fig. 1 and the related description thereof*).

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miur et al. (US 2005/0192090 A1) and further in view of Uchiyama et al. (US 6,638,165 A)

Regarding claims 1, 5, and 9, Miur et al. discloses a gaming machine comprising: a variable display device for variably displaying designs(*see [0006-0012]*). Additionally, Muir discloses a front display device disposed in front of the variable display device wherein the front display device includes a transparent liquid crystal display panel through which the variable display device is able to be seen. This is shown through Muir's incorporation of light

transmitting symbol which can appear through the transparent LCD device or may display symbols in place of the symbols on the variable display device (*see Figs. 6-7 and the related description thereof, [paragraph [0011, 0018, 0022-0029], [0051-0053]*). Additionally, Muir teaches the display device to incorporate a light guiding plate to equalize the light which illuminates the liquid crystal display panel and in the light guiding plate and diffusion sheet to have transparent areas for ensuring the visibility of the variable display. Finally, Muir teaches a transparent liquid crystal display panel, the diffusion sheet and the light guiding plate to be arranged in a facially-opposed sequential manner such that the diffusion sheet [76] is disposed between the transparent LCD panel [50] and the light guiding plate [64,66] and the light guiding plate[64, 66] is disposed between the diffusion sheet [76] and the variable display device [18] (*see Fig. 8 and the related description thereof*).

In an analogous gaming patent, Uchiyama teaches another example of a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (*see Fig. 8(a-c) and the related description thereof*). Uchiyama teaches in addition to the features of Muir a video display device is capable of displaying light transmitting symbols that can variably move about the screen (*see col. 12: ln 21-col. 13: ln 40*). One would be motivated to incorporate the features of Uchiyama with that of Miur in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

Regarding claims 2-3, Muir teaches a gaming machine that is a slot machine and a variable display device that is one or more rotatable reels each having a reel band thereon on which the designs are drawn (*see element [16,18] of Fig. 8 and the related description thereof*).

Regarding claims 4, 8, and 10, Muir teaches a gaming machine where the diffusion sheet and the light guiding plate are in facial-surface-to-facial-surface contact with one another (*see Fig. 8 and the related description thereof*).

Regarding claim 6, Muir teaches a gaming machine wherein the front display includes a reflection plate for reflecting a light emitted from the light source on the light guiding plate to the liquid crystal display panel, the light guiding plate and the reflection plate are arranged in a facially-opposed sequential manner such that the reflection plate is disposed behind the light guiding plate (*see element [78, 64, 60, and 80] of Fig. 8 and the related description thereof*). Furthermore, Muir teaches a variable display unit that contains all the limitations of the instant claims however they are not necessarily in the direct order in which the current limitations have specified. However, having a light source layer on before or after the light guiding plate would not effect the overall output and novel appearance created by such a design. Therefore it would have been an obvious matter of design choice to one of routine skill in the art to select where the light source layer would occur.

Regarding claim 7, Muir teaches a gaming machine wherein the reflection plate is provided with one or more windows corresponding to the plurality of reels (*see Fig. 8 and the related description thereof*).

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are not persuasive. Regarding the applicant's remarks directed towards Motegi, the prior art performs the same purported visual experience as required by the applicant's claims. While the structural layout not in the same alignment as remarked by the applicant's representative, it would be a simple matter of design choice to rearrange the separate components and would only require one of routine skill in the art to perform such a function. Due to the use of CRT screens in Motegi, Basturk has been used to modify the teaching of Motegi to incorporate an LCD placed in front of a physical display where the two types of displays may be used together. Such a teaching teaches how these two displays may be used facially opposed in a sequential manner to one another. Any further deficiencies that the applicant has mention have also further been addressed above with the incorporation of Muir and Uchiyama in the rejection above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

RH
February 19, 2009